

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In re POLYURETHANE FOAM ANTITRUST
LITIGATION

This document relates to:

ALL DIRECT PURCHASER ACTIONS

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MDL Docket No. 2196
Index No. 10-MD-2196 (JZ)

**MOHAWK INDUSTRIES, INC.'S MOTION FOR LEAVE TO
AMEND ANSWER TO DIRECT PURCHASER PLAINTIFFS' CONSOLIDATED
AMENDED CLASS ACTION COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 15 and other applicable law, Mohawk Industries, Inc. ("Mohawk") respectfully moves this Court to enter an order granting Mohawk leave to amend its answer to the Direct Purchaser Plaintiffs' Consolidated Amended Class Action Complaint. Mohawk seeks to amend its Answer by adding the following affirmative defense:

SIXTEENTH DEFENSE

Plaintiffs' claims on behalf of putative class members are barred due to the presence of mandatory, binding arbitration agreements between Mohawk certain putative class members.

As set forth more fully in Mohawk's Memorandum of Law filed concurrently with this Motion, this Motion should be granted because such requests must be "freely give[n] . . . when justice so requires." Fed. R. Civ. P. 15(a)(2).

Respectfully submitted this 6th day of December, 2013.

ALSTON & BIRD LLP

/s/ Randall L. Allen

Randall L. Allen

Georgia Bar No. 011436

Teresa T. Bonder

Georgia Bar No. 703969

Kara F. Kennedy

Georgia Bar No. 926006

Allison S. Thompson

Georgia Bar No. 779509

Matthew L.J.D. Dowell

Georgia Bar No. 236685

1201 West Peachtree Street

Atlanta, GA 30309-3424

Telephone: (404) 881-7000

Facsimile: (404) 881-7777

randall.allen@alston.com

*Counsel for Defendant Mohawk
Industries, Inc.*

CERTIFICATE SERVICE

I hereby certify that on this day I filed a copy of the foregoing **MOHAWK INDUSTRIES, INC.'S MOTION FOR LEAVE TO AMEND ANSWER TO DIRECT PURCHASER PLAINTIFFS' CONSOLIDATED AMENDED CLASS ACTION COMPLAINT** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the attorneys of record in this case.

Dated: December 6, 2013.

/s/ Matt Dowell
Matt Dowell